

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

KEVIN REVELS	§	
v.	§	CIVIL ACTION NO. 9:08cv66
DARRELL BOBBITT, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Kevin Revels, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

After review of the pleadings, the Magistrate Judge issued a Report on April 8, 2008, recommending that the lawsuit be dismissed. The Magistrate Judge noted that Revels has a lengthy history of filing frivolous lawsuits, for which he has been repeatedly sanctioned by the Eastern and Southern Districts of Texas, as well as the Fifth Circuit Court of Appeals. These sanctions include monetary sanctions totaling over \$500.00, as well as a prohibition from filing lawsuits in any court within the Fifth Circuit without advance written permission from a judge of the forum court. The Magistrate Judge noted in this case that Revels failed to show that he had satisfied the sanctions previously imposed upon him, failed to secure permission from a judge of the Eastern District of Texas prior to filing his lawsuit, and failed to either pay the filing fee or show that he is in imminent danger of serious physical injury, as required by 28 U.S.C. §1915(g). The Magistrate Judge therefore recommended that the lawsuit be dismissed without prejudice, specifying that Revels can refile it when he can show that the sanctions imposed on him have been satisfied, obtains permission from

the Fifth Circuit Court of Appeals, and either pays the full filing fee or shows that he is in imminent danger of serious physical injury.

Revels received a copy of the Report on April 15, 2008, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings and documents in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as to the refiling of another *in forma pauperis* lawsuit raising the same claims as herein presented, but without prejudice to the refiling of this lawsuit without seeking *in forma pauperis* status and upon payment of the statutory \$350.00 filing fee. Prior to refiling his lawsuit, Revels must also show that all of the sanctions which have been imposed on him, by the Fifth Circuit or by any federal district court within the jurisdiction of the Fifth Circuit, have been satisfied, and he must obtain advance written permission from a judge of this Court or the Fifth Circuit Court of Appeals. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So **ORDERED** and **SIGNED** this **21** day of **May, 2008**.



Ron Clark, United States District Judge